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The Illinois Workmen's Compensation Act is designed to promote the general welfare of the people of this state by providing compensation for accidental injuries or death suffered in the course of employment within the state and without the state where the contracted employment is made within the state. The Act was approved June 10, 1911, and became effective on May 1, 1912.

Need for the enactment of this type of legislation was brought home to the legislators following the Cherry Mine Disaster in the northern Illinois coal fields in which 283 wage-earners lost their lives. Mr. John E. Williams, a former coal-miner of Streator, Illinois, who had the confidence of both employer and employee, worked out the basic principles of the original law. He became a prominent figure in the industrial world, frequently appearing upon the lecture platform. His complete understanding of the problems confronting employers and employed finally elevated him to the position of impartial arbitrator for management and labor in the Hart-Schaffner and Marx clothing manufacturing plants in New York City.

When first enacted the Workmen's Compensation Act was on a permissive basis. Any employer could refrain from coming under the provisions of the law by the simple process of posting a notice where his employes were working, stating that he was not operating under the Illinois Workmen's

Compensation Act. This permissive or voluntary coverage prevailed until the 1919 session of the Illinois General Assembly when the Act was made mandatory by an amendment prepared by the legislative representative of the Illinois State Federation of Labor.

On this occasion I have been requested by the University of Illinois' Institute of Labor and Industrial Relations to speak on the general subject "How Can We Improve the Workmen's Compensation Law and Its Administration?" In every session of the Illinois General Assembly since the law was first enacted, efforts have been made by the Illinois State Federation of Labor to improve and strengthen the Act.

In the early days attempts were made to work out the issues involved at the hearings held by the House and Senate Judiciary Committees. The heated discussions and constant clashings between representatives of the employer and the representatives of the employee harrassed the Judiciary Committee members to a point where they finally decided to refer the hearings to sub-committees because of their controversial and lengthy nature.

To this very day this sub-committee procedure is followed and the prolonged hearings and discussions are still a part of the hearing procedure. Weeks and months of meetings, conferences, and hearings are held by the representatives of the employers and employees during each legislative session until an agreement is reached.

Prior to the last session of the General Assembly the Illinois State Federation of Labor appointed an advisory committee which developed a dozen proposed changes or improvements in the Act. These advisory committee suggestions became the basis for the improvement program sponsored by the labor movement in the last session of the General Assembly.

After five months of negotiations and conferences between representatives of the employer and representatives of the employee which began with the 1953 legislative sessions, the President of the Illinois State Federation of Labor and the Secretary-Treasurer announced in the Weekly News Letter of June 20 that an agreement had been reached with respect to improvements in the Workmen's Compensation and Occupational Diseases Acts. Proposals incorporating the changes were introduced in the House by State Representatives Allison, Soderstrom, and others. Similar bills were introduced in the Senate by Senators Crisenberry, Smith, and the members of the Senate Sub-committee.

Legislature Participated

Sub-committees from both the House and the Senate Judiciary Committees were in charge of the hearings and procedure. This means that the Legislature was represented in all the conferences which created and controlled the enactment of H.B.Nos. 985 and 986 and Senate Bills Nos. 647 and 648.

Considerable improvement in the Occupational Diseases and Workmen's Compensation Acts was reported by the Federation officers in the finally-agreed proposal for revision of these Acts in the last session of the General Assembly.

In addition to increases in the amounts to be paid those unfortunate enough to suffer disabling injury while at work, certain inequities existing in the laws were eliminated. The bills as now enacted represent a great and satisfactory step forward on behalf of the worker who is injured in industrial accidents or who may become afflicted with an occupational disease.

The bills before the General Assembly under the guidance of its sub-committee through the discussion and hearing process eventually became agreed bills and, therefore, had no difficulty in getting through both houses of the legislature and receiving the approval of Governor William G. Stratton.

The revised Acts, effective as of July 1, 1953, provide increases in weekly benefits. Benefits to those with....

No children or one child were increased from $25.50 per week to $29.00 per week;

Two children, from $27.20 per week to $30.40 per week;

Three children, from $30.60 per week to $34.20 per week;

Four or more children, from $34.00 per week to $38.00 per week.

The death benefits have been increased. Benefits to those with...

No children at the time of death were increased from $6,000 to $8,000;

One child at time of death, from $7,565 to $8,500;

Two children at time of death, from $8,160 to $9,250;

Three children at time of death, from $9,100 to $10,250;

Four or more children at time of death, from $9,600 to $10,750.

In addition certain inequities that have existed in the special loss schedule have been corrected. The value of the hand has been increased from 170 to 190 weeks' compensation to correspond with the sum of the values given to the thumb and fingers. The value of the foot has been increased from 135 to 155 weeks' compensation to bring it more in line with the value of the leg.

In the past when a workman had suffered amputations and then died from causes not connected with the injury and before a determination of his disability by the Industrial Commission, the workman's right under the Workmen's Compensation Act died with him. This has been corrected to the extent that the workman's dependents in such a situation will be paid the amount the workman would have been paid for the amputation had he survived. When the workman's death in such a case is the direct result of the injuries, the death benefits would apply.

The Act formerly provided that a workman shall be paid "not to exceed" 60 weeks for a fracture to the body of a vertebra. The words "not to exceed" have been taken out so that the Act will provide that 60 weeks' compensation shall be paid for a fracture to the body of a vertebra.

The enacted bill contains a provision to accelerate partial lump sum payments in cases of need and hardship.

The attorneys of the sub-committee who were appointed to represent labor's interest in working out this agreed bill were Daniel D. Carmell, attorney for the Illinois State Federation of Labor; Abraham Froussels, attorney for the C.I.O.; M. J. Hanagan, attorney for the U.M.W.A.; Hugh McCarthy, attorney for the Chicago Steamfitters and connected trade unions; and Stuart J. Traynor, attorney for the P.M.T.A. State Representative Robert H. Allison, who is also an attorney, associated himself with our labor lawyers and was constantly in attendance at the hearings held by the conferees.

Acts Should Be Extended

The foregoing description of recent amendments is also a description of how the Workmen's Compensation and Occupational Diseases Acts have been improved in the past. It also charters the course which is likely to be followed in the future.

There is no comprehensive and systematic statutory provision in Illinois for the protection of working people against loss of earnings due to non-occupational sickness or accidents. In this field there is opportunity--plenty of it--for extension of the principles to be found in the Workmen's Compensation Act.

Private insurance is, of course, available to the individual to cover non-occupational illness or accidents; but here the benefits and protection is uneven, unequal, and sometimes uncertain. Only a portion of hospital, doctor, and medical bills are paid by private insurance policies.

A comparison of that situation with the Workmen's Compensation Act reveals the tremendous advantages contained in the Illinois law. The injured wage earner does not supplement these expenses with any financial contribution of his own. His doctor bills, hospital bills, and medical bills are paid, not for six months or any other time limit. They are paid, by the employer under the provisions of the Illinois law until he is cured. This part of the Workmen's Compensation Act needs very little improvement. It can be regarded as perfect.

Medical expenses frequently run into very substantial amounts. For instance, it is estimated that the medical expenses associated with compensable cases in Illinois totaled $12,989,000.00 during 1952.

In 1952, of all closed cases which gave data on medical expense, 12 showed medical expense exceeding $5,000; and in 186 cases medical expenses ranged from $1,000 to $5,000. Five percent of the cases showed medical expenses under $10; 60% ranged between $10 and $100; 30% ranged between $100 to $500; and in only 5% was the cost $500 or over.

Despite the requirement in the Acts that medical costs be shown on the final compensation reports, in the majority of cases these costs are not shown. For instance, out of the 43,551 cases closed in 1952, medical expenses were reported in only 9,077, or 21%, of the cases. Failure to report medical costs on the part of some employers may arise from the fact that they do not have complete records of these expenses, particularly those medical services which are furnished by their own medical department.

Industrial accidents are costly. In the State of Illinois industrial accidents will cost an estimated $424,000,000 in 1953 according to a report recently issued by the State Department of Labor. This estimate includes wage losses of $227,000,000 to injured workers. It also includes a cost of $197,000,000 to employers and the cost to the State of $562,000 for the administration of workmen's compensation claims.

The report said only 13% of total wage loss is compensated through workmen's compensation benefits. This loss includes inability to work during the period of disability as well as a reduction in earning power as a result of the effects of the injury.

Included in the cost to the employers are compensation payments made to injured workers, medical and hospital expenses, insurance premiums, and administrative expenses. Indirect cost to the employers include property damage, spoilage of materials, lost production, and interruption of the regular processes.

The Illinois State Federation of Labor at its last convention came out for a strong program to cut job accidents. There were over 52,000 wage earners injured in industry in 1953. This means that Illinois had over 52,000 casualties which were compensated under the workmen's compensation law. Many of them were fatal injuries. The Federation has always felt proud of the work it has performed to take care of a wage earner after the accidents occur, but it is obvious more should be done to prevent the accidents from happening.

Wage Earners Protected

A wage earner injured in Illinois industry today has the protection of the rehabilitation service and the Workmen's Compensation Act. Under the rehabilitation service if a wage earner should lose his leg or his arm, the State will buy him an artificial limb, send him to school, and pay for his tuition; and a representative of the rehabilitation service will find employment for him where he can be restored to useful activity and useful service. Oftentimes after rehabilitation the injured worker is able to earn as much money as he did before he was injured. This is one of the finest services which the State of Illinois performs for handicapped and crippled wage earners. In addition to that he will receive his weekly benefits under the Workmen's Compensation Act while he is convalescing.

The labor movement has cause to feel proud of the attention and care which is now bestowed upon the wage earner after the injury occurs, but it is not so proud of the effort which has been made to prevent accidents in the first place.

The startling total of over 52,000 compensated accidents shocks the human mind. A former Governor of Illinois stated he believed industrial accidents could be reduced at least 50% and in the event they were cut down to that extent there should be a 50% increase in the benefits under the the workmen's compensation act.

Every safety expert who has made a study of this field states that industrial accidents can be reduced at least 25% and that if they were, it naturally follows there should be a corresponding increase of 25% in the benefits of the workmen's compensation law.

Accident prevention, therefore, has become a paramount issue. The last session of the General Assembly created a commission through the enactment of H.B.No. 547 which will have the heavy responsibility of studying the best methods to prevent accidents and save lives. This Commission has been appointed and held its first meeting on December 15, 1953. An appropriation of $25,000 was set aside for the Commission, and this money will be used to study modern methods which might be applied in Illinois in the field of industrial accident prevention.

Improvements Needed

Loss of hearing was given special attention at the last annual convention of the Illinois State Federation of Labor. Resolution No. 6 was adopted which places the Illinois State Federation of Labor on record as favoring the enactment of amendments to the compensation law for total and partial loss of hearing. It also called upon the Illinois State Department of Labor to make a comprehensive study of industrial noises including such measures as sound level readings and full documentation of their findings.

While labor is concerned with compensation for those already suffering from this loss of the sense of hearing, one of our most treasured faculties, we are more concerned with conserving the normally alert hearing of all the others.

The plight of the person with poor hearing is a source of continual social embarrassment. It subjects him or her to the failure to hear the warning of impending danger, such as automobile horn, the warning of the train whistle, because the sense of hearing is as much a part of developing this warning of impending danger as any other of the senses we have.

This hearing loss is always a blow to afflicted wage earner in his efforts to gain re-employment, and in a very real and economic sense he has become handicapped. Industry has no right to destroy both economic and physical well-being of wage-earners and go scot-free. Labor must, therefore, be determined in its demands that such workers not only be protected now for loss of hearing but that they be compensated in the future for such loss.

Compensation, it seems to me, should be paid for partial loss of hearing. At present, one must prove total and complete loss or there can be no recovery of compensation.

Further needed amendments to the Workmen's Compensation and Occupational Diseases acts include the following:

Statute of Limitations. The period during which an application for adjustment of a claim may be filed should be two years from the date of accident or last payment of compensation. At present there is a one year limitation. Common law cases permit filing within two years.

Notice. Notice of an accident should be made within 90 days. The present act requires notice within 45 days.

Rate of Compensation. The basis for payment of compensation should be predicated on actual earnings instead of on a weekly earning basis of the present maximum.

Compensable Injuries: Skull fracture. Should be listed in the specified schedule with provision for payment of 100 weeks even though the injured employee returns to employment similar to that engaged in at time of injury. Back-Fractured Vertebrae. This provision should be in the same section which provides for specific injuries. Ninety weeks compensation should be allowed for each fractured vertebra, not 60 weeks as now provided for one fractured vertebra or more. The present Act should be amended to delete the provision which requires proof that there is a loss of function of the back.

Total disability cases. (a) Pensions, so-called, should be at least $125.00 per month not as at present which in most cases amounts to about $50.00 per month. (b) When one who has been adjudicated totally disabled dies, it is certainly unreasonable to permit termination of further payment of compensation. In the event that there are dependents, payments to such dependents should continue in the same degree as they did while the breadwinner lived.

Membership in the Industrial Commission. There should be seven members instead of five with staggered appointments to insure continuity. Each commissioner should receive a $10,000 yearly salary payable commencing with the time that the statute goes into effect. We would prefer a real career Commission.

Partial permanent disability. If no other recovery is had for serious permanent partial disabilities, compensation should be allowed on the percentage loss of use of a man as a whole. Wisconsin, California, Indiana and other states have similar legislation.

Fatal cases. The sum of $750.00 for burial expenses should be provided for whether there are dependents or not.

Report by employer. Copy of complete report of accident, including names of witnesses, should be mailed by employer to the place of residence of injured employee. Failure to do this should cancel the running of the statute of limitations.

Decreased disability. Employers now have 18 months in which a petition may be filed to attempt to establish decreased disability. This provision is often used to harrass an injured workman. The Act should provide for filing such a petition within a maximum of ten months after final decision by the Industrial Commission.

Medical reports. Amendment should provide that first report of examination made by any physician or surgeon must be mailed to employee within 72 hours after such examination. Subsequent reports to be mailed weekly to employee.

Penalty. Should read: "Employees should be authorized to hire their own physician or surgeon at employer's expense."

Employer Definition. This is particularly important to building tradesmen. Definition of employer should be broadened so that anyone who engages one or more individuals to perform labor in the erection, remodeling, altering, or demolishing of any structure shall be deemed to be engaged in a business and within the purview of the Workmen's Compensation Act.

Aggravation of so-called ordinary diseases of life by one's employment should be compensable under the Occupational Diseases Act.

Specifid losses. The schedule for loss of use, or partial permanent loss of use, of specific parts of the body should be revised to allow for increases; i.e., loss of use of arm, hand, leg, etc.

The Occupational Diseases Act is more or less on a voluntary basis. It is a permissive act, an elective act. The Occupational Diseases Act should be made mandatory in the same regard as is the Workmen's Compensation Act.

Law Should Be Improved

Now may I say--labor's legislative representative would be relieved of considerable anxiety and some gruelling hard work if these two laws could be amended by having automatic provisions inserted therein which would provide for increases on an economic basis as these economic changes occur without action by the legislature.

Our present method is to call upon the legislature to amend the Occupational Diseases and Workmen's Compensation laws to increase benefits or ratings at each session by the enactment of new amendments or revisions. The whole law should be broadened by putting all employers under the Act.

The administration of the Act can be amended, not only by increasing the present number of Industrial Commissioners and having their terms expire in different years in order that there might always be a number of experienced commissioners sitting on the commission, but also by setting up an Industrial Court in the State of Illinois with a competent staff to take over jurisdiction of the Workmen's Compensation and Occupational Diseases laws of Illinois. This could be done by districts.

The record of the Illinois General Assembly, in the main, so far as improvements in the Workmen's Compensation law in recent years is concerned, is to be commended. However, the Workmen's Compensation law of Illinois has placed upon the Industrial Commission a great responsibility due to the number of people who come before the Industrial Commission to have their claims adjudicated.

The general public hears or knows little about the Industrial Commission and is not aware of its functions, duties, or obligations, to the citizens of the State of Illinois; and it is only after an accident occurs that they learn about the Industrial Commission.

The Industrial Commission probably handles more cases than any other governmental unit of similar nature in the State of Illinois; therefore, the matter of improvement of these laws and the administration thereof is of vital importance to thousands of workers in this state.

The improvement of these laws is now in the hands of the Illinois legislature. Bills are offered each session for their improvement. Other bills are also presented which, in many instances, would restrict and reduce the beneifts. The result is that it is especially difficult to improve these laws because any amendment, whether it be for improvement of the injured employee or changing benefits or procedure favorable to the employee, is contested bitterly by both those supporting the improvements and those opposing them.

It would seem, therefore, that after years of this type of procedure so far as increasing benefits are concerned, that some procedure or provision could be inserted in these two laws that would require an automatic improvement when economic conditions justify such changes without continual bickering and quarreling in the legislature.

Many industrial problems in recent years have been solved by similar types of procedure between the employer and the employee. It may be that neither the employers or employees are at this time ready to agree on such type of procedure due to the fact that a man's life and the loss of a limb cannot be appraised by a dollars-and-cents label; therefore, the relationship of economic conditions as against the loss of life or limb would probably be difficult to appraise.

It seems to me that there is considerable food for thought in such a suggestion. Many times some of the benefits that are enacted into the law are lost because of failure to have these laws signed by the Governor or approved as quickly as possible.

These two laws can well be improved by bringing more employers under them. The reason for this is that we have many groups of employees that have no protection for injuries received in the course of their employment except the common-law action for damages.

A study of these groups will show that in 1910-1911 the agricultural industry was largely an individual operation with no great amount of mechanized machinery used in connection therewith. The result was that when Workmen's Compensation laws were passed the various state agricultural employers were not brought under the law. Many other groups of employees, such as those classed as domestics, were not brought under the law. Today these groups comprise many more employees on a wage-scale basis than there were at the time of the inception of the Workmen's Compensation laws, but they are not covered by the Act.

Cover Farm Workers

Let us look at the agricultural group for a moment in Illinois, which is one of the great agricultural as well as industrial states in the Union. One of its greatest sources of income to farmers is the corn crop. From a horse-powered plow we have advanced to where the work is done today by a machine that shucks and shells the corn in practically one operation. The dairy industry, which is classified as an agricultural project, also has added many mechanical changes to its methods of operation. Driving trucks and heavy-power tractors is also considered an agricultural pursuit. The result is that the annual accident death toll by corn pickers, shredders, combines, and tractors is on the increase.

The agricultural employee of today who receives an injury while in the course of his employment has very little protection under the laws of this state to secure any compensation for the injuries received. His only right to receive compensation for such an injury is through what is known as a Civil Suit for Damages. Under the Illinois law when a suit of this kind is filed, the employee has the burden of proof to establish that he was free from negligence and that the employer was negligent. There is also the rule of assumed risk and other technical burdens of proof with the result that it is often difficult for the employee who is employed in agricultural pursuits to ecover damages in line with the provisions of the Workmen's Compensation and Occupational Diseases laws.

The matter of enacting legislation or bringing employees engaged in agricultural pursuits under the Workmen's Compensation and Occupational Diseases laws or similar legislation has been discussed with agricultural leaders. No legislation, however, has been passed by the Illinois General Assembly which would give this type of worker any additional protection.

It seems to me, therefore, that in view of the present situation that confronts the agricultural employee that legislation should be enacted now to protect him in the same way as legislation was enacted to protect employees in what was known as hazardous employment, when the first workmen's compensation laws were placed upon the statute books.

Examination of various workmen's compensation and occupational diseases legislation on the statute books of the various states indicates that most of these laws were enacted between the years of 1908 and 1915. The question might be asked how it happened or what pressure was asserted upon the various legislative bodies of these states to enact such legislation.

Regarded As Progress

Most of the states of our country originally followed what is known as the Common Law of England. Under this law a person bringing a suit to recover damages for injuries had to establish by the greater weight of the evidence submitted to the jury or court that he was free from negligence and that the employer was negligent and many other technical rules of evidence and doctrines formulated by the Common Law and the courts.

The great industrial states--New York, Pennsylvania, Massachusetts, Ohio, and Illinois--had many damage suits filed in their courts. The procedure was slow and cumbersome. Dockets were clogged. Many times the injured employee was unable to get his witnesses into court when the case was finally called for trial due to the fact that the witnesses had moved into other communities.

Another factor was that the injured employee often had no witnesses except his fellow workmen to prove negligence on the part of the employer. Many of these fellow workmen were either directly or indirectly influenced as to what they would testify to be the fear of losing their employment.

The situation eventually became such a public problem that the various state legislatures began to consider what we now know as the workmen's compensation law. The early compensation law of Illinois was somewhat similar to laws enacted by the other industrial states and was optional so far as the employers were concerned. Later, however, due to public interest and pressure certain occupations and types of industries were classified as hazardous and were automatically placed under the law.

Through the years the Illinois Workmen's Compensation law has been broadened and most industrial workers are now automatically under the Act.

Later, under the pressure of the labor movement, the Illinois legislature enacted an Occupational Diseases law which was very limited in its scope. This law was declared unconstitutional by the Supreme Court of Illinois after being on the statute books for 25 years. Thereafter a new Occupational Diseases law was written into the statute books.

The present Occupational Diseases law was rewritten by the Illinois legislature in 1951 but is still far from perfect. This Act could be improved by putting all employers under it and doing away with the involved encumbered definition of an occupational disease that is now in the law. Improvement would also be furthered by a simple amendment placing both the Workmen's Compensation and the Occupational Diseases laws into one law. This could be done by inserting the following language (into the new unified law):

> "Any accident or disease arising out of and in the course of employment."

If this were done more employees would be under the protection of the law with the result that insurance rates should be reduced. Thus more employers would voluntarily protect their employees with less cost to them.

Progress Must be Planned

Improvements may come to wage-earners by chance or accident, and no doubt they some times do. Wage-earners, however, have achieved most in the years since they replaced chance by union pressure in the field of their experience with respect to industrial accidents.

Now, thanks to accumulated accident history and experience, working people can look backward and analyze the failures and successes of the past 40 years. Here we find lessons for today and tomorrow. Planning for progress should be the aim of our lives and of our state and nation. To know where we want to go relative to Workmen's Compensation improvements and to plan a way to get there reduce the possibility of failures and increase the likelihood of success.

If wage-earners could always keep in mind in delving into our social problems the possibility of progress, we could do more to solve them. Many of us are too much inclined to think that the problems to which we have become accustomed have to be, not realizing as we should that it is often possible to change laws and conditions and make a problem disappear.

Everyone once thought that tuberculosis was a disease that man had to live with and endure. We now know that if certain conditions of water or milk that we drink are changed and proper ventilation and sunlight are provided in workshops, tuberculosis disappears. Once slums were considered

an undesirable but inevitable part of the city. In recent years we are beginning to understand that they may be cleared if we want them cleared badly enough and intelligently plan the job.

The things that labor's opposition consider impossible are the things that have never been done before. But for ages men of vision, faith, and plans have advocated and done the things others thought impossible. From Samuel Gompers and John E. Williams to William Green and George Meany, our labor history tells the story of humanity's march forward because men of courage and plans lived and worked. Those who do not dream and plan for progress are defeated before they begin. Those who see a prospect of influencing the employer and the legislature of better things ahead work to change undesirable conditions and bring about a better life and eventually a better day!